

minister is right, he does not think that the minister should take this piece of property, now, as a practical matter, what effect is this going to have on the minister's decision in the matter?

We felt that for any hearing officer to make a public statement, about what he thought of the Government's policy, would fetter the minister in the exercise of his responsibility to make the decision in the final analysis.

Senator Hayden: Mr. Munro, if you stop there, do I understand that you are including in the question of policy decision not only the decision to take the land but to make the particular land that is selected part of the policy decision?

Mr. Munro: That is right, the actual selection.

Senator Hayden: Then you are precluding a possible objection—and there is no limitation on the objections here in the bill—the possibility of saying, yes, we agree the policy is a good policy but surely we can raise the issue that you are not taking the best piece of land.

Mr. Munro: Yes, that objection could be raised to the policy decision.

Senator Hayden: That could not be raised if you make it part of the policy—not the way I want it to be drawn.

Mr. Munro: Perhaps I did not explain myself. I am saying that the decision as to which piece of land must be taken is a policy decision that must be the responsibility of the minister. I am also saying that it is open to any person at all to object to the expropriation on any grounds at all. They can make their objection and the objection is brought to the attention of the minister. If he does not, then he proceeds.

Senator Flynn: It can hardly be on anything else but the choice of the site, because I don't think the minister would entertain an objection, for instance, by the expropriated party saying that the Government should not proceed with certain projects.

Mr. Munro: He would not entertain it for very long, I am sure.

Senator Hayden: Mr. Chairman, it is all very well to have discussions at large as to what the minister may do and how he may react, but we have to look at the bill, and any person who is affected by an expropriation or notice of expropriation may make an objection, and that objection sets forth the nature and the grounds of the objection. I want to be sure that you cannot bring in issue the merits of the policy decision itself. I don't think for that purpose that the particular selection is necessarily part of the policy decision. I think the policy decision is the decision to expropriate

for a certain purpose. That is why in the Ontario act they use the language "the taking of the land". That is the policy decision.

Senator Flynn: You mean that would be the decision to undertake a certain project?

Senator Hayden: Yes, and to expropriate land therefor.

Senator Flynn: Yes, there is a big difference there, because, as Mr. Munro just said, the minister would not be inclined to listen to any argument along that line.

Senator Hayden: I should have the right, and certainly there is such right under the Ontario statute, to question the particular location and to say that the Government is doing me an irreparable damage in taking my piece of property when in fact right near by, for example, there is some other property that would serve all of the purposes required; so I should be able to suggest that they look at that property. Now, that is not a policy decision.

Senator Flynn: Sometimes the two can be mixed up.

Senator Hayden: Yes, they can get mixed up.

Senator Flynn: For example, I had a letter recently from some people at Meach Lake. They complained about the decision of the National Capital Commission to expropriate all private property over there. Apparently the plan is to make a park out there. There you have the two mixed together: the policy—whether it is a good idea to make a park there in the first place; and whether they should expropriate all of the property.

Senator Hayden: The policy decision is really to make the park.

Senator Flynn: Yes, but at the same time you could say that you need only half of the land and that you could exclude this or that particular cottage. That means that very often the two will be mixed, the principle and the species.

Senator Hayden: If you apply the test to this and assume you include in the policy decision both decisions, the decision to expropriate and the decision to expropriate the particular property, what is there left for the person whose land is expropriated other than to say that you are not offering enough money? Are you going to limit him to that?

Mr. Munro: I think we are not quite at "idem", sir. Clause 7 of the bill refers to persons objecting to the intended expropriation. They can object to the intended expropriation on any ground. There are no words limiting the nature and the grounds. They have